

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD LAVERN NEIL KUDER,

Defendant.

Case No. 20-MJ-2032-DPR

MOTION FOR DETENTION

Comes now the United States of America, by and through its undersigned counsel, and hereby moves this Court to order the detention of RICHARD LAVERN NEIL KUDER, and states the following in support of the motion:

1. This motion is being made at the defendant's first appearance before a judicial officer. A complaint has been filed charging the defendant with bank robbery, in violation of 18 U.S.C. § 2113(d).
2. Title 18, United States Code, Section 3142(f) provides, in pertinent part, that a hearing must be held by the appropriate judicial officer to determine whether any condition or combination of conditions “will reasonably assure the appearance of such person as required and the safety of any other person and the community” if the attorney for the Government moves for such a hearing and the case involves:

(A) a crime of violence, a violation of section 1591, or an offense listed in section 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed;

3. KUDER confessed to committing the charged offense.
4. DUNLAP has an extensive criminal history, which includes a prior robbery conviction that he was on post-release supervision for when he committed this bank robbery.
5. The United States submits that there is clear and convincing evidence that there are no conditions which the Court could place on the defendant's release which would reasonably assure the safety of the community. See 18 U.S.C. § 3142(g)(1) nature and circumstances of the offense; (2) weight of the evidence; (3)(A) the defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings, and (B) whether the defendant was on probation/parole at the time of the offense; and (4) danger to the community or other persons. Because of this, the United States requests that a Detention Hearing be held and that the defendant be detained. See generally, United States v.

Sazenski, 806 F.2d 846, 848 (8th Cir. 1986); United States v. Warren, 787 F.2d 1337, 1338 (8th Cir. 1986).

WHEREFORE, based on the foregoing, the United States requests that the Court hold a Detention Hearing in accordance with 18 U.S.C. § 3142(f), and following such hearing, order the detention of the defendant.

Respectfully submitted,

TIMOTHY A. GARRISON
United States Attorney

By: /s/ Patrick Carney
Patrick Carney
Assistant United States Attorney
KS. Bar Number 20254

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on June 18, 2020, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ *Patrick Carney*
Patrick Carney
Assistant United States Attorney